

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

REYNALDO ROMERO-LEON,

Defendant-Movant.

No. CIV 13-0567 WJ/KBM  
No. CR 09-0902 WJ

**ORDER ADOPTING MAGISTRATE JUDGE'S**  
**PROPOSED FINDINGS AND RECOMMENDED DISPOSITION,**  
**and**  
**ORDER DISMISSING COUNT TWO OF DEFENDANT'S CONVICTION**

The Chief Magistrate Judge filed her Proposed Findings and Recommended Disposition on October 24, 2013 (*Doc. 11*) in which she recommended granting in part and denying in part Petitioner's habeas corpus petition. The proposed findings notify the parties of their ability to file objections and that failure to do so waives appellate review. As of today, no objections have been filed, and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Chief Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 11*) is ADOPTED;
2. Petitioner's Motion to Vacate, Set Aside or Correct Sentence ("Petition") (*Doc. 1*) is granted in part to the extent that Petitioner's convictions under 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 922(g)(5)(A) are multiplicitous,

requiring that his sentence be vacated and that he be resentenced, which will be set at a date to be determined by the Court;

3. The Petition is denied in all other respects, and Petitioner's other claims are dismissed with prejudice; and, FINALLY,
4. Count Two charging Defendant as an alien in possession in violation of 18 U.S.C. §922(g)(5)(A) and 18 U.S.C. §924(a)(2) shall, and hereby is, DISMISSED.<sup>1</sup>



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UNITED STATES DISTRICT JUDGE

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<sup>1</sup> See Doc. 110 (Judgment).